



STATE OF UTAH - DEPARTMENT OF ADMINISTRATIVE SERVICES

Division of Facilities Construction and Management

DFCM

Request for Proposals for Construction Services

Value Based Selection Method
(No Management Plan)

(Date)

(Project Title)

DFCM Project No. (project number)

(Design Firm)

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Current copies of the following documents are hereby made part of these contract documents by reference. These documents are available on the DFCM web site at <http://dfcm.utah.gov> or are available upon request from DFCM.

DFCM General Conditions dated May 25, 2005

DFCM Application and Certificate for Payment dated May 25, 2005.

Technical Specifications:

Drawings:

The Agreement and General Conditions dated May 25, 2005 have been updated from versions that were formally adopted and in use prior to this date. The changes made to the General Conditions are identified in a document entitled Revisions to General Conditions that is available on DFCM's web site at <http://dfcm.utah.gov>

NOTICE TO CONTRACTORS

The State of Utah - Division of Facilities Construction and Management (DFCM) is requesting proposals for the construction of the following project:

DFCM PROJECT NO. _____

Construction cost is estimated at \$ _____.

The Request for Proposals (RFP) documents, including the selection requirements, the selection schedule, and the construction documents, will be available on _____ from DFCM, 4110 State Office building, Salt Lake City, Utah 84114, telephone (538)3018, in electronic format only, and on the DFCM web page at <http://dfcm.utah.gov>. For questions regarding this project, please contact _____, DFCM, at (801)_____. No others are to be contacted regarding this project.

The procurement shall be under the Value Based Selection RFP method. A **MANDATORY** Pre-proposal Meeting and site visit will be held at _____ AM/PM on _____ at _____

_____. All prime contractors wishing to submit on this project must attend this meeting.

Cost proposals must be submitted by 12:00 Noon on _____ to DFCM at 4110 State Office Building, Salt Lake City, Utah 84114. Additional information, including references, will be required as stated on the Project Schedule. Note: Submittals must be received at 4110 State Office Building by the specified times.

The contractor shall comply with and require all of its subcontractors to comply with the license laws as required by the State of Utah.

A Bid Bond in the amount of five percent (5%) of the proposal amount, made payable to the Division of Facilities Construction and Management on DFCM's bid bond form, shall accompany the cost proposal.

The Division of Facilities Construction & Management reserves the right to reject any or all proposals or to waive any formality or technicality in any proposal in the interest of the State.

DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT
MARLA WORKMAN, CONTRACT COORDINATOR
4110 State Office Bldg., Salt Lake City, Utah 84114
Telephone: (801) 538-3260

DESCRIPTION OF WORK

(Include in this area a description of the project.)

Project Risk Factors

(Include in this area the risks that have been identified for the project)

PROCUREMENT PROCESS

1. Request for Proposal Documents

The Request for Proposal (RFP) documents consist of all of the documents listed in the Table of Contents and all said documents are incorporated in this RFP by reference.

2. Availability of Requests for Proposals

A compact disc containing the full contract documents is available free of charge at the locations stated on the Project Schedule. Certain Contract Documents are available at DFCM's internet web site at <http://dfcm.utah.gov>. Approved plan repositories may obtain a hard copy set from _____ upon paying a deposit of \$ _____.

Any person or firm that fails to return the complete set of Drawings and Specifications, or other Contract Documents, in good condition within ten (10) days of the date set for selection announcement shall forfeit any required deposit. Notwithstanding this, if the Contract Documents are provided on a compact disc, the compact disc does not need to be returned.

3. Contact Information

Except as authorized by the DFCM Representative or as otherwise stated in the RFP or the pre-proposal meeting, communication during the selection process shall be directed to the specified DFCM Representative. In order to maintain the fair and equitable treatment of everyone, contractors shall not unduly contact or offer gifts or gratuities to DFCM, any Board officer, employee or agent of the State of Utah, users or selection committee members in an effort to influence the selection process or in a manner that gives the appearance of influencing the selection process. This prohibition applies before the RFP is issued as the project is developed, and extends through the award of a contract. Failure to comply with this requirement may result in a disqualification in the selection process. Contractors should be aware that selection committee members will be required to certify that they have not been contacted by any of the contractors in an attempt to influence the selection process.

4. Requests for Information

All requests for information regarding this project shall be in writing and directed to:

_____ (DFCM Representative)
Division of Facilities Construction and Management
4110 State Office Building
Salt Lake City, Utah 84114
E-mail: _____
Facsimile: (801) _____

5. Project Schedule

The Project Schedule lists the important events, dates, times and locations of meetings and submittals that must be met by the contractor.

6. Mandatory Pre-Proposal Meeting & Registration

A mandatory pre-proposal meeting will be held on the date and time and at the location listed on the Project Schedule.

A representative from each interested prime contractor is required to attend. During the meeting, a presentation will be made to describe the overall scope of work and intended schedule. Interested prime contractors may ask questions and request clarification about the project and the procurement process.

Subcontractors and suppliers are invited to attend this meeting but it is not mandatory for them.

THE PRIME CONTRACTORS ABSENCE FROM THE PRE-PROPOSAL MEETING AND/OR FAILURE TO REGISTER PRECLUDES PARTICIPATION AS A PROPOSER ON THIS PROJECT.

7. Submittal Due Dates and Times

All required submittals must be delivered to, and be received by, the Division of Facilities Construction and Management previous to the date and time indicated in the Project Schedule. Submittals received after the specified time will not be accepted. Please allow adequate time for delivery. If using a courier service, the contractor is responsible for ensuring that delivery will be made directly to the required location. It is your responsibility to allow for the time needed to park on Capitol Hill as recent construction activity has made the parking more difficult. Identification is required to enter the building.

8. Last Day to Submit Questions

All questions must be received at the office of DFCM no later than the time and dated listed on the Project Schedule. Questions must be submitted in writing to _____ at DFCM.

9. Addendum

All responses to questions and requests for clarification will be in writing and issued as addenda to the Request for Proposals. Addenda will be provided to every entity that has registered for receiving documents. The addenda or notice of the Addendum will be posted on DFCM's web site.

Any addenda issued prior to the submittal deadline shall become part of the Request for Proposals and any information required shall be included in your proposal.

10. Past Performance and References

As a contractor completes each DFCM project, DFCM, the architects/engineers and the using agency will evaluate the contractor. It is the intent of DFCM that this process will be the major source for evaluating past performance.

Contractors shall submit past performance and reference information by the time indicated on the Project Schedule.

For all DFCM projects completed in the last 5 years identify the project by name, number and DFCM project manager. Each contractor wishing to compete for this project that has not completed at least three DFCM projects in the last 5 years, will be required to provide one copy of a list of references on additional similar projects for a total of 3 projects.

For non-DFCM projects provide the following information:

Point of Contact:	Person who will be able to answer any customer satisfaction questions.
Phone Number:	Phone number of the contact we will be surveying.
User Name:	Name of the Company / Institution that purchased the construction work.
Project Name:	Name of the project.
Date Completed:	Date of when the work was completed.
Address:	Street, city and state where the work was performed.
Size:	Size of project in dollars.
Duration:	Duration of the project / construction in months.
Type:	Type of the project (i.e.: School, Offices, Warehouse, etc.)

11. Cost Proposal

Before submitting a proposal, each contractor shall carefully examine the RFP; shall visit the site of the Work; shall fully inform themselves as to all existing conditions and limitations; and shall include in the proposal the cost of all items required by the RFP. If the contractor observes that portions of the Contract Documents are at variance with applicable laws, building codes, rules, regulations or contain obvious erroneous or uncoordinated information, the contractor shall promptly notify the specified DFCM Representative and the necessary changes shall be accomplished by Addendum.

The proposal, bearing original signatures, must be typed or handwritten in ink on the Cost Proposal Form provided in the procurement documents and submitted in a sealed envelope at the location specified below prior to the deadline for submission of cost proposals indicated on the Project Schedule.

Bid bond security, in the amount of five percent (5%) of the proposal amount, made payable to the Division of Facilities Construction and Management, shall accompany proposal. THE BID BOND MUST BE ON THE BID BOND FORM PROVIDED IN THE PROCUREMENT DOCUMENTS IN ORDER TO BE CONSIDERED AN ACCEPTABLE PROPOSAL.

If the bid bond security is submitted on a bid bond form other than DFCM's required bid bond form, and the bid security meets all other legal requirements, the contractor will be allowed to provide an acceptable bid bond by the close of business on the next business day following notification by DFCM of submission of a defective bid bond security. NOTE: A cashier's check cannot be used as a substitute for a bid bond.

Cost Proposals will be accepted at the office of DFCM, 4110 State Office Building, Salt Lake City, UT 84114. Late proposals will be disqualified and returned to the proposer unopened. One copy of the cost proposal is required. The contractor shall bid the base bid price and the add alternates.

12. Compliance with Construction Budget

DFCM expects to receive cost proposals that are within the stated construction budget. While all contractors are generally encouraged to submit cost reduction proposals as appropriate, those who are not able to submit a cost proposal within the budget are particularly requested to submit cost reduction proposals to bring the cost within the budget. Contractors may, however, submit cost proposals that exceed the budget but they will be addressed in the manner explained below.

After the deadline for submitting cost proposals, DFCM staff will open proposals to identify those contractors whose cost proposals, net of any potentially acceptable cost reduction proposals, are within the stated budget.

Cost proposals will be kept confidential and will not be disclosed to the selection committee until after the interviews and preliminary deliberations are completed. No information regarding a contractor's cost and cost reduction proposals will be disclosed to competing contractors prior to the completion of the selection process.

Only contractors whose cost proposals, less any potentially acceptable cost reduction proposals, are within the stated budget for the contract will be invited to an interview.

If no proposals are received from responsive and responsible contractors whose cost proposal, less any potentially acceptable cost reduction proposals, are within the stated budget for the contract, DFCM will determine which of the following actions to take:

A. DFCM may increase the stated budget for the contract and proceed with the selection process with only those contractors whose cost proposals, less any potentially acceptable cost reduction proposals, are within the revised budget for the contract. The determination of sources of additional funding and how much the budget will be increased is solely at the discretion of DFCM.

B. DFCM may reduce the scope or requirements of the contract. This will be evidenced in an addendum to the RFP which will also set a new deadline for submitting revised cost proposals and

cost reduction proposals. Only qualified contractors who had previously submitted a cost proposal in accordance with the RFP may be considered in this extended procurement process.

C. DFCM may reject all proposals.

13. Cost Reduction Proposals

Any cost reduction proposals must be submitted on a document entitled Cost Reduction Proposals by the deadline indicated in the Project Schedule. Seven copies of this document must be submitted. It is desired that cost reduction proposals not reduce the durability, functionality or cost efficiency of the facility although proposals that do not meet this standard will be considered. The cost impact of these proposals should be included in the Cost Reduction Proposals document. The amount shown on the base cost proposal should not reflect the cost impact of any cost reduction proposals. The cost reduction proposals will be evaluated by DFCM, the user and the Consultant to determine if they are potentially acceptable. Prior to the interviews, each contractor will be notified as to which of their cost reduction proposals are determined to be potentially acceptable and which ones will not be considered in the selection process. Only those cost reduction proposals that are determined to be potentially acceptable may be presented in the interview. A contractor may not submit additional cost reduction proposals after the deadline. Any new cost reduction ideas that are raised in the interview process that were not submitted prior to the deadline will not be considered in the selection process. The cost reduction proposals that are accepted will be included in the original contract.

DFCM retains the right that, if it determines that a cost reduction proposal is desirable but the proposed change is so substantial that its consideration in the selection process would not allow for the fair and equitable treatment of all contractors, DFCM may, at its option, include the proposed change of contract requirements in an addendum and allow all qualified contractors to submit a new proposal.

14. Listing of Subcontractors

Listing of Subcontractors shall be as required by the Request for Proposals and as summarized in the "Instructions and Subcontractor's List Form", which are included as part of this RFP. The Subcontractors List shall be delivered to DFCM or faxed to DFCM at (801)538-3677 by the date and time stated in the Project Schedule and will be included in the Contract. Requirements for listing additional subcontractors are as follows: **NO ADDITIONAL REQUIREMENTS**

DFCM retains the right to audit or take other steps necessary to confirm compliance with requirements for the listing and changing of subcontractors. Any contractor who is found to not be in compliance with these requirements is subject to a debarment hearing and may be debarred from consideration for award of contracts for a period of up to three years.

15. **Time**

One of the selection criteria will be proposed contract time. The contractor will include in the Statement of Qualifications the schedule for completing the work including any items required by DFCM or the consultant. A completion date prior to _____ is requested but not mandatory.

It is anticipated that a contract will be given to the contractor for signature by the date specified in the Project Schedule. The actual notice to proceed will be based on how quickly the contractor returns the contract and the required bonds as well as the resolution of any issues that may arise in the procurement process. The actual completion date will be based on the contractors proposed schedule and the date the contractor received the contract for signature.

All plans, schedules, and the cost proposals are required to reflect the project construction time. Non-compliance with the schedule will not result in automatic disqualification; it will be evaluated by the selection committee in determining the final selection.

Of particular interest and concern are the management team and the ability of the prime contractors to deliver the project within the construction time. Contractors will need to demonstrate the method of delivery and the competency of the individuals who will manage its successful completion.

16. **Statements of Qualifications**

The contractor shall provide seven (7) copies of the statements of qualifications by the time indicated on the Project Schedule. The statement of qualifications is a short document that indicates the experience and qualifications of the firm, the project manager and the site superintendent. It should include information on similar projects that have been completed by the firm, project manager and site superintendent. Include the experience and special qualifications that the project manager and site superintendent have that are applicable to this project and/or are part of the project specific selection criteria.

17. **Termination or Debarment Certifications**

The contractor must submit a certification that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from soliciting work by any governmental department or agency. The contractor must also certify that neither it nor its principals have been terminated during the performance of a contract or withdrew from a contract to avoid termination. If the contractor cannot certify these two statements the firm shall submit a written explanation of the circumstances for review by DFCM. Contractors are encouraged to submit these certifications with the Statement of Qualifications but they may be submitted up until the time the selection is completed.

18. Selection Committee

The Selection Committee will be composed of individuals from the Utah State Building Board, DFCM, the User Agency / Institution, representatives from the design and construction disciplines, and others deemed appropriate by DFCM.

19. Interviews.

Interviews will be conducted with all responsive and responsible contractors except as follows. If more than six contractors submit proposals and meet other requirements, DFCM may convene the selection committee to develop a short list of contractors to be invited to interviews. This evaluation will be made using the selection criteria noted below except that cost will not be considered. The information provided by the past performance/references and statement of qualifications will be the basis for this evaluation.

The purpose of the interview is to allow the contractor to present its qualifications, past performance, plan, schedule and general plan for constructing the project. It will also provide an opportunity for the selection committee to seek clarification of the contractor's proposal.

The proposed primary project management personnel, including the project manager and superintendent, should be in attendance. The project manager is the contractor's representative who will be in daily control of the construction site. The project manager has overall job authority, will be in attendance at all job meetings, and is authorized by the contractor to negotiate and sign any and all change orders in the field, if necessary. Unless otherwise noted, the attendance of subcontractors is at the discretion of the contractor.

The method of presentation is at the discretion of the contractor. The interviews will be held on the date and at the place specified in the Project Schedule.

20. Selection Criteria for VBS Construction

The following criteria will be used in ranking each of the construction firms. The firm that is ranked the highest will represent the best value for the state. The criteria are not listed in any priority order. The selection committee will consider all criteria in performing a comprehensive evaluation of the proposal. Weights have been assigned to each criteria in the form of points.

- A. Cost. _____ **POINTS.** The contractor's proposal will be considered with all other criteria to determine the ranking of the firm.
- B. Schedule. _____ **POINTS.** The contractor's schedule will be evaluated as to how well it meets the objectives of the project. Unless other objectives are stated the shorter the construction

duration that is evaluated to be feasible while maintaining safety and quality in conformance with the construction documents is preferred. The contractor shall discuss during the interview the project schedule identifying major work items with start and stop dates that are realistic and critical subcontractors and if they have reviewed and agree to the schedule. The overall completion date shown on the schedule will be used in the contract as the contract completion date.

- C. DFCM Past Performance Rating. _____ **POINTS.** Each construction firm will be given a past performance rating. The rating will be based first on how well the firm did on past projects with DFCM. If a minimum of three DFCM past performance ratings are not available a rating will be established using any DFCM past performance ratings that are available, supplemented by references supplied by the contractor at the time the proposals are submitted.
- D. Strength of Contractor's Team. _____ **POINTS.** Based on the statements of qualifications, and the interview, the selection team shall evaluate the expertise and experience of the construction firm the project manager and the superintendent as it relates to this project in size, complexity, quality and duration. Consideration will also be given to the portions of the project that the contractor will self perform and the strength brought to the team by critical subcontractors including how they were selected and the success the contractor has had in working with them.
- E. Project Management Approach. _____ **POINTS.** Based on the information provided in the information presented in the interview the selection team shall evaluate how each team has planned the project and determined how to construct the project in the location and in the time frames presented. The firm should present how they plan to move material and people into and out of the site. Keep the site safe; minimize disruption to the facility etc. The construction firm shall also discuss what portions of the project they plan to self perform. The selection team will also evaluate the degree to which risks to the success of the project have been identified and a reasonable solution has been presented. This may include cost reduction ideas or proposals.

The following criteria are project specific. They are added to the above criteria in determining the selection that represents the best value for the state.

(Place project specific criteria here - this may include such things as materials, specific experience, keeping parts in operation etc.- _____ POINTS.)

TOTAL POSSIBLE POINTS: _____ POINTS.

21. Award of Contract

The selection of the prime contractor will be made using the Value Based Selection system (VBS). The award of the Contract shall be in accordance with the criteria set forth in the Request for Proposals (RFP). The State of Utah intends to enter into an agreement with the prime contractor to construct the project as outlined. Individual contractors or alliances between two or more contractors are allowed in this process. The State will contract with only one legal entity.

22. Contract and Bond

The contractor's agreement will be in the form bound in the specifications. The contract time will be as indicated in the proposal. The selected contractor, simultaneously with the execution of the contract agreement, will be required to furnish a performance bond and a payment bond, both bearing original signatures, upon the forms provided in the RFP. The performance and payment bonds shall be for an amount equal to one hundred percent (100%) of the contract sum and secured from a company that meets the requirements specified in the requisite forms. Any bonding requirements for subcontractors will be specified in the Supplementary General Conditions.

23. Interpretation of Drawings and Specifications

If any person or entity contemplating submitting a proposal is in doubt as to the meaning of any part of the drawings, specifications or other contract documents, such person shall submit to the specified DFCM representative a request for an interpretation thereof. The person or entity submitting the request will be responsible for its prompt delivery. Any interpretation of the proposed documents will be made only by addenda duly issued and a copy of such addenda will be mailed or delivered to each person or entity receiving a set of documents. Neither DFCM nor A/E will be responsible for any other explanations or interpretations of the proposed documents. A/E shall be deemed to refer to the architect or engineer hired by DFCM as the A/E or consultant for the Project.

24. Licensure

The Contractor shall comply with and require all of its subcontractors to comply with the license laws as required by the State of Utah.

25. Financial Responsibility of Contractors, Subcontractors and Sub-subcontractors

Contractors shall respond promptly to any inquiry in writing by DFCM to any concern of financial responsibility of the contractor, subcontractor or sub-subcontractor.

26. Product Approvals

Where reference is made to one or more proprietary products in the contract documents, but restrictive descriptive materials of one or more manufacturer(s) is referred to in the contract documents, the products of other manufacturers will be accepted, provided they equal or exceed the standards set forth in the drawings and specifications and are compatible with the intent and purpose of the design, subject to the written approval of the Consultant. Such written approval must occur prior to the deadline established for the last scheduled addenda to be issued. The Consultant's written approval will be in an issued addendum. If the descriptive material is not restrictive, the products of other manufacturers specified will be accepted without prior approval provided they are compatible with the intent and purpose of the design as determined by the Consultant.

27. Withdrawal of Proposals

Proposals may be withdrawn on written request received from proposer until the notice of selection is issued.

28. Time is of the Essence

Time is of the essence in regard to all the requirements of the contract documents.

29. Right to Reject Proposals

DFCM reserves the right to reject any or all proposals.

PROJECT SCHEDULE

PROJECT NAME:				
DFCM PROJECT NO.				
Event	Day	Date	Time	Place
Advertisement Placed	Sunday			Multi-Media
Request for Proposals Available				DFCM, 4110 State Office Bldg, SLC, Utah or DFCM web site *
Construction Documents Available				DFCM, 4110 State Office Bldg, SLC, Utah or DFCM web site *
Mandatory Pre-Proposal Site Meeting				
Last Day to Submit Questions				
Final Addendum Issued				
Prime Contractors Turn In Cost Proposals, and References	Tues, Wed or Thurs		12:00 Noon	DFCM, 4110 State Office Building, SLC, UT
Sub-contractor List Due	Wed, Thurs, or Fri		12:00 Noon	DFCM, 4110 State Office Bldg, SLC, UT
Statements of Qualifications, and Cost Reduction Proposals Due	Tues, Wed or Thurs		12:00 Noon	DFCM, 4110 State Office Bldg, SLC, UT
Short Listing by Selection Committee, if applicable.				
Termination / Debarment Certifications Due		On or Before Date of Interview	NA	
Interviews				
Announcement				
Contract Given to Contractor for Signature				

* DFCM's web site address is <http://dfcm.utah.gov>



PROPOSAL FORM

NAME OF PROPOSER _____ DATE _____

To the Division of Facilities Construction and Management
4110 State Office Building
Salt Lake City, Utah 84114

The undersigned, responsive to the "Notice to Contractors" and in accordance with the "Request for Proposals" for the _____

and having examined the Contract Documents and the site of the proposed Work and being familiar with all of the conditions surrounding the construction of the proposed Project, including the availability of labor, hereby proposes to furnish all labor, materials and supplies as required for the Work in accordance with the Contract Documents as specified and within the time set forth and at the price stated below. This price is to cover all expenses incurred in performing the Work required under the Contract Documents of which this bid is a part:

I/We acknowledge receipt of the following Addenda: _____

For all work shown on the Drawings and described in the Specifications and Contract Documents, I/we agree to perform for the sum of:

_____ DOLLARS (\$_____) (In case of discrepancy, written amount shall govern)

I/We guarantee that the Work will be Substantially Complete within _____ calendar days after receipt of the Notice to Proceed, should I/we be the successful proposer, and agree to pay liquidated damages in the amount of \$_____ per day for each day after expiration of the Contract Time as stated in Article 3 of the Contractor's Agreement.

This bid shall be good for 45 days after bid opening.

Enclosed is a 5% bid bond, as required, in the sum of _____

The undersigned Contractor's License Number for Utah is _____

PROPOSAL FORM
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Upon receipt of notice of award of this bid, the undersigned agrees to execute the contract within ten (10) days, unless a shorter time is specified in the Contract Documents, and deliver acceptable Performance and Payment bonds in the prescribed form in the amount of 100% of the Contract Sum for faithful performance of the contract. The Bid Bond attached, in the amount not less than five percent (5%) of the above bid sum, shall become the property of the Division of Facilities Construction and Management as liquidated damages for delay and additional expense caused thereby in the event that the contract is not executed and/or acceptable 100% Performance and Payment bonds are not delivered within the time set forth.

Type of Organization:

(Corporation, Partnership, Individual, etc.)

Any request and information related to Utah Preference Laws:

Respectfully submitted,

Name of Proposer

ADDRESS:

Authorized Signature